

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ILLINOIS TOOL WORKS, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-054-GMS
)	
FRITO-LAY NORTH AMERICA, INC., fka)	
RECOT, INC.,)	
)	
Defendant.)	

STIPULATION AND PROPOSED ORDER

WHEREAS, the Court has ordered briefing on the question of whether the patentability of the subject matter of Counts 1 and 2 from Patent Interference No. 105,173 may be raised in this action, and directed the parties to confer on a schedule for briefing that issue, so that the Court can rule on that issue before discovery commences;

WHEREAS the Court approved the briefing schedule below during a teleconference conducted on January 10, 2007;

Now, therefore, the parties stipulate and agree, subject to the approval of the Court, that the parties shall submit their briefs on the scope of this appeal as follows:

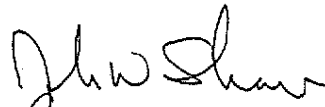
Defendant's Opening Brief.....January 31, 2007

Plaintiff's Answering Brief.....February 15, 2007

Defendant's Reply BriefFebruary 23, 2007

/s/ Rodger D. Smith II

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So ordered this _____ day of _____, 2007,

United States District Judge